

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

IN RE:	§	
	§	
CURTIS WAYNE KIRKLAND, JR.	§	CASE NO. 09-14692 CHAPTER 13

**OBJECTION TO CONFIRMATION BY
THE CITIZENS BANK OF PHILADELPHIA.**

COMES NOW The Citizens Bank of Philadelphia, hereinafter "Bank," by and through its attorney of record and objections to confirmation of the Debtor's proposed plan, and for the relief hereinafter requests and states as follows:

1. Bank is the holder of a secured claim in the amount of \$53,643.97 filed with this Court on November 10, 2009, reference to which is hereby made and which is incorporated herein.
2. Said claim is secured by a first mortgage on real property located in Washington County, Alabama upon which a 2003 Clayton Lakeshore mobile home 32' x 80', Serial No. CS2005440TNAB is attached to said real property.
3. Said real property and mobile home constitute the personal residence of the Debtor and, therefore, the terms of the promissory note securing the same cannot be modified.
4. The current payoff on the promissory note secured by the Debtor's personal residence is equal to \$53,643.97 plus additional costs and fee incurred by Bank due to Debtor's default and must be repaid at the contract rate of 7.75% over the life of the plan.

5. The proposed interest rate of 5.00% is not the current market rate for a comparable loan of equivalent risk.

WHEREFORE, Bank moves this Honorable Court to deny confirmation of the Debtor's proposed plan and grant the Bank such other and further relief to which it may be entitled.

/s/Justin B. Little
Justin B. Little
Attorney for The Citizens Bank of Philadelphia

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Our File No. 1099.0001

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection to Confirmation by The Citizens Bank of Philadelphia has been served upon the following electronically or by first class United States mail, properly addressed with postage prepaid, on this date, November 10, 2009:

John C. McAleer, III, Trustee
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Earl P. Underwood, Jr., Esq.
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/s/Justin B. Little
Of Counsel for The Citizens
Bank of Philadelphia

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